



UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BRIAN WESTON, GLENN JOCOBY and SIMON BRITON

Application No. 09/476,935

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 20, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below:

Appellants filed an Information Disclosure Statement (IDS) on August 17, 2001. It is not clear from the record whether the IDS has been properly considered by the examiner as the examiner has not signed and dated nor initialed next to the documents listed on the form 1449 (substitute) of the IDS.

The Manual of Patent Examining Procedure (MPEP) § 609(C)(2) (Eighth Ed.) in regards to Information Disclosure Statements filed by applicants states in part.:

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 or PTO/SB/08A and 08B provides a clear record of which citations have been considered by the Office. The examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

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Accordingly, it is

ORDERED that the application is being returned to the Examiner:

(a) for the examiner to sign and date the substitute form 1449 of the IDS filed

August 17, 2001,

(b) for the examiner and to mail a copy of the signed IDS to appellants, and

(d) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:

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DMS/vsh

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